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ORDINANCE 2022 – 06

AN ORDINANCE OF THE CITY OF EDGEWOOD AMENDING CHAPTER 134 OF THE CODE OF ORDINANCES RELATED TO LOCATION, HEIGHT, AND CONSTRUCTION STANDARDS AND REGULATIONS APPLICABLE TO FENCES AND SCREENING WALLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood, Florida, finds it necessary and in the best interests of the health, safety and welfare of the residents and visitors to the City to update the standards applicable to the installation of fences and screening walls; and

WHEREAS, within this Ordinance, deletions are identified by strikethrough text and additions are identified by underlined text.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA, AS FOLLOWS:

SECTION ONE. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Council pertaining to this Ordinance.

SECTION TWO. Chapter 134-517 is hereby amended as follows:

Sec. 134-517. - ~~Location of fences/screening walls.~~

~~In any residential district, no closed fence or wall shall be erected or maintained within 20 feet from a corner intersection of street right-of-way. Fences or walls beyond the front building line shall be limited to a maximum height of four feet. A fence or wall shall be limited to a maximum height of eight feet in the rear and side yards. In any residential district, all chainlink fences shall be installed with the pointed ends to the ground. No electrically charged wire fence shall be erected in any residential district. No barbed wire fence shall be erected in any residential district, except for security of public utilities, provided such use is limited to three strands, a minimum of six feet above the ground. Barbed wire may be used on security fences erected in any commercial or industrial district provided such use is limited to three strands, a minimum of six feet above the ground.~~

(a) Purpose and Intent. The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the City, protect adjacent land from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

(b) Applicability.

34 a. Unless exempted below, the provisions of this section shall apply to all new construction
35 or repair or replacement of 50 percent or more of any existing wall or fence length. The
36 term wall in this section applies to screening walls and not walls required for support of a
37 principal or accessory structure.

38 b. Permit Required. All fences and walls subject to these standards shall obtain a building
39 permit prior to construction. Requests for permits for walls and fences must be
40 accompanied by a scaled site plan and drawings clearly showing the locations, heights and
41 materials for which approval is requested.

42 **(c) District Location Standards.**

43 1. **Residential Districts.**

44 a. Fences and Walls in a Required Front Yard: Except where allowed in this section,
45 fences and walls within the required minimum front setback shall not exceed 4 feet in
46 height.

47 b. For residential zoned lots with a front or side yard on a FDOT functionally classified
48 arterial or collector road, the maximum height for a fence or wall in a required
49 minimum front and street side yard may be increased to six feet if the following is met.

50 1. Fences shall be of decorative materials such as wrought iron or powder coated
51 aluminum in a style of wrought iron.

52 2. Walls shall be concrete block, stone, cultured stone, brick, or prefabricated with a
53 textured manufactured finish. If concrete blocks are used, the wall shall have a
54 minimum 1” thick stucco finish or be clad in brick, stone and/or cultured stone
55 veneer.

56 3. Brick, stone and/or cultured stone columns shall be constructed when using either
57 a fence or a wall, and such columns shall, at a minimum, be placed where the
58 fence/wall ends at the property lines and at driveways. If the lot’s road frontage is
59 in excess of one hundred (100) feet, additional columns shall be required to be
60 spaced evenly along the frontage, with the wall/fence segment not exceeding 40
61 feet in length. The columns may extend up to 12 inches above the fence height.

62 4. The fence/wall shall be constructed a minimum of 7 feet from the road right-of-
63 way line.

64 5. Shade trees shall be planted along the fence/wall at a rate of one (1) per 40 linear
65 feet of road frontage. Trees shall be evenly spaced along the pervious area of the
66 frontage. Each tree shall be a minimum caliper of 5 inches (as measured 1 foot
67 above grade) and minimum 14 feet in height at planting with 6’ minimum vertical
68 clearance to the limbs. If overhead utilities exist along the right-of-way, the
69 required shade trees shall be understory trees spaced every twenty (20) feet on
70 center, with said understory trees a minimum of nine feet in height and at least a
71 three-inch caliper (measured 6 inches above grade) at planting if single stem; for

- 72 multi-stem understory trees, at least three stems are required with each stem at least
73 of one-inch caliper (measured 6 inches above grade).
- 74 6. If hedges are planted along the fence or wall, such shall be maintained at a height
75 not to exceed six feet in height.
- 76 7. If a vehicular gate is used, the gate shall be automated and setback a minimum of
77 20 feet from the lot side of the public sidewalk. If no sidewalk exists, the gate shall
78 be setback 20 feet from the right-of-way/property line.
- 79 8. If on a corner lot, the fence/wall shall meet the Proximity to Right-of-Way
80 Intersection standard in Section 134-517(d).
- 81 c. Unless abutting a FDOT functionally classified arterial or collector, on any corner lot,
82 abutting the side of another lot, a fence/wall along the side street exceeding four (feet)
83 in height shall be setback 15 feet from the street side property line.
- 84 d. Maximum fence and wall height outside the minimum front setback shall be eight (8)
85 feet in height unless a more restricted height limit applies. A fence or wall height greater
86 than eight feet may be approved by special exception.
- 87 e. Subdivision walls and buffers.
- 88 1. Subdivisions that include lots with rear or side yards adjacent to a public right-of-
89 way must include a screen wall and vegetative buffer to provide both a desirable
90 buffer for the residents of the subdivision from the street as well as provide an
91 aesthetic buffer for the users of the adjacent right-of-way. Height of the screen wall
92 shall be six feet from the finished grade of the location of the wall or street,
93 whichever provides the highest screening height. Compliance with this section will
94 require a buffer with hedges, evergreen shade trees (at 40-foot on center spacing)
95 and one understory tree centered between the shade tree, on the street side of the
96 wall. The minimum width of the buffer shall be ten (10) feet, as measured from the
97 right of way line to the wall. The shade tree shall be a minimum caliper of 5 inches
98 (as measured 1 foot above grade) and minimum 14 feet in height at planting with
99 6' minimum vertical clearance to limbs. If overhead utilities exist along the right-
100 of-way, the required shade trees shall be understory trees spaced every twenty (20)
101 feet on center, with said understory trees a minimum of nine feet in height and at
102 least a three-inch caliper (measured 6 inches above grade) at planting if single stem;
103 for multi-stem understory trees, at least three stems are required with each stem at
104 least of one-inch caliper (measured 6 inches above grade).
- 105 2. The following are not considered adequate buffers for compliance with this section:
- 106 • Chain linked fences;
- 107 • Wood fences;
- 108 • Painted or untreated block walls; and,
- 109 • Insufficient planting area for maturing landscaping.

- 110 3. Maintenance of these improvements will be the responsibility of the homeowners'
111 association and must be clearly defined on the preliminary subdivision plan and
112 final plat.
113 f. No barbed wire fencing shall be allowed except by special exception approval. Such
114 fencing, when allowed, shall be consistent with the standards listed in Section 134-
115 517(d)6.

116 **2. Nonresidential Districts Except the ECD and Industrial districts.**

- 117 a. Fences or walls within the front setback shall be limited to a maximum height of four
118 (4) feet. For fences and walls, the front yard setback shall apply to all sides fronting a
119 road.
120 b. Outside the front or street side setback, the maximum height of a fence or wall shall be
121 eight (8) feet, except as noted for public utilities.
122 c. No barbed wire fence shall be allowed except for security of public utilities or unless a
123 special exception is approved. Such fencing, when allowed, shall be consistent with the
124 standards listed in Section 134-517(d)6.

125
126 **3. Industrial Districts.**

- 127 a. Fences or walls within the front setback shall be limited to a maximum height of four
128 (4) feet. Fences greater than four feet in the front yard may be approved by special
129 exception with conditions attached for landscaping and in consideration of continued
130 view from the road into the property for crime prevention.
131 b. Outside the front or street side setback, the maximum height of a fence or wall shall
132 be eight (8) feet, except as noted for public utilities.
133 c. If a landscape buffer is required by Chapter 114, the fence/wall shall be placed on the
134 lot side of the buffer yard.
135 d. Barbed wire along the top of a fence may be used provided the conditions of Section
136 134-517(d)6 are met.
137 4. ECD. Fences in the Edgewood Central District shall comply with ECD regulations.

138 **(d) Standards Applicable to All Districts.**

- 139 1. **Fence/Wall Material.** Permanent fencing or wall material other than chain link, wood,
140 vinyl, masonry concrete, brick, or pre-cast concrete may be approved only by special
141 exception.
142 2. **Chain Link Fencing.** Except where specifically allowed by this section, chain
143 link fences are prohibited between the front lot line and the front of the building structure
144 in all districts. Where chain link fencing is allowed, such shall be green, black, or
145 brown vinyl coated.
146 3. **Wood Fencing.** Wooden fences shall be constructed of stained or painted pressure treated
147 pine, cedar, or cypress. Plywood, particle board, or similar wood materials are prohibited.

- 148 The finished side shall face outward, and stringers and posts shall not be visible from the
149 outside.
- 150 4. **Masonry concrete block walls.** Concrete block walls shall be clad in brick, stone or
151 cultured stone veneer or have a 1 inch thick stucco finish with brick stone or cultured stone
152 accent features.
- 153 5. **Pre-cast Concrete Walls.** Pre-cast Concrete Walls shall have manufactured imprinted
154 texture and patterns to mimic brick, stone or cultured stone patterns.
- 155 6. **Barbed Wire.** The following standards apply when barbed wire fencing is used around
156 public utilities.
- 157 a. Without a special exception, no barbed wire may be **on a parcel located** adjacent to a
158 residential zoning or future land use designation.
- 159 b. The barbed wire shall be attached to a fence of a minimum height of eight (8) feet.
- 160 c. The barbed wire shall not exceed one additional foot in fence height without a special
161 exception approval.
- 162 d. The outward limit of the barbed wire shall not be within 20 feet of any street right-of-
163 way line, sidewalk, or adjacent property.
- 164 7. **Residential Fence/Wall Colors.** Fence or wall colors shall be matte finish of any earth
165 tone color (i.e., color found in soil, such as sand, clay, slate), matte black, or matte white
166 with a minimum matte white content of 90 percent.
- 167 8. **Non-Residential Fence/Wall Colors.** Fence/wall colors shall complement the primary
168 color of the development and shall not be so extreme in contrast or intensity that the color
169 competes with the building for attention or acts as a sign.
- 170 9. **Fences/Walls adjacent to Required Landscape Buffers.** Where landscape buffers are
171 required adjacent to public rights-of-way, the fence/wall shall be located on the lot side of
172 the buffer. Fences or walls located along interior side or rear lot lines may be placed atop
173 the property line with required plantings located inside the fence or wall.
- 174 10. **Proximity to Intersections.** To prevent obstruction of view of an oncoming vehicle or
175 train at an intersection of two rights of way or a right-of-way and ingress/egress access
176 points, at a minimum, fences and walls shall comply with the most current FDOT criteria
177 and standards for Intersection Clear Sight Lines.
- 178 11. **Maximum Height in All Districts.** Outside the minimum yard standards (setbacks), the
179 maximum height of fences and walls shall be eight (8) feet unless specifically approved by
180 special exception or elsewhere in this code.
- 181 12. **Adjacent to Water Bodies.** All fences and walls located adjacent to water bodies shall not
182 extend into such water body beyond the normal high water elevation (NHWE). The
183 maximum height of a fence/wall within 10 feet of the NHWE shall be four (4) feet.
- 184 13. **Swimming Pools Fencing.** **All swimming pools of any type whatsoever, including but not**
185 **limited to portable swimming pools, shall be completely enclosed in accordance with the**
186 **current publication of the Florida Building Code Swimming Pool Barrier Requirements**
187 **and as approved by the City Engineer.**

- 188 14. **Firefighting access.** Fences and walls shall be designed and constructed so that adequate
189 access to buildings is maintained for firefighting purposes.
- 190 15. **Electric fences.** It shall be unlawful for any person to erect, install or maintain any
191 electrically charged fence within the city.
- 192 16. **Temporary Fencing.**
- 193 a. A temporary fence not exceeding 8 feet in height may be erected during construction
194 in any district.
- 195 b. The temporary fence shall be restricted to chain link, vinyl picket, industrial aluminum,
196 or wrought iron. All other materials are prohibited. Orange construction fencing for
197 tree protection during construction shall be allowed.
- 198 c. Any portion of the temporary fencing facing a right-of-way must allow a reasonably
199 unrestricted view of the grounds of the undeveloped lot from the right-of-way. Picket-
200 style materials fronting a right-of-way shall have minimum spacing of four inches
201 between each picket with a maximum picket width of one inch.
- 202 d. A pedestrian access gate is required. The gate must swing into the lot.
- 203 e. The temporary fence shall be removed prior to any Certificate of Occupancy.
- 204 17. **Fences/Walls in regulated floodways.** Fences and walls in regulated floodways shall be
205 designed to avoid blocking the passage of floodwaters as determined by the City Engineer.
- 206 18. **Maintenance.** All walls and fences shall be maintained at the proper height, in a plumb
207 and upright position, free of any defects, damage, peeling and chipping, and mold and
208 mildew, or other discoloration.

209
210 **SECTION THREE.** The provisions of this Ordinance shall be codified as and become and be
211 made a part of the Code of Ordinances of the City of Edgewood.

212
213 **SECTION FOUR.** If any section, sentence, phrase, word or portion of this ordinance is
214 determined to be invalid, unlawful or unconstitutional, said determination shall not be held to
215 invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or
216 portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

217
218 **SECTION FIVE.** All ordinances that are in conflict with this Ordinance are hereby repealed.

219
220 **SECTION SIX.** This Ordinance shall become effective immediately upon its passage and
221 adoption.

222
223 **PASSED AND ADOPTED** this _____ day of _____, 2022, by the City Council of
224 the City of Edgewood, Florida.

225
226 PASSED ON FIRST READING: _____

228 PASSED ON SECOND READING: _____

229

230 _____

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Richard A. Horn, Council President

233 *ATTEST:*

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235 _____

236 Sandy Riffle, City Clerk